

रजिस्टर्ड नं० पी०/एस०एम० 14.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, 19 अप्रैल, 1979/29 चैत्र, 1901

हिमाचल प्रदेश सरकार

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Simla-171002, the 17th March, 1979

No. 11-47/74-PW(B).—The Governor, Himachal Pradesh, is pleased to re-publish the Water (Prevention and Control of Pollution) Cess Rules, 1978 in the Rajpatra, Himachal Pradesh as published in the Gazette of India (Extra ordinary), dated the 24th July, 1978 framed under the Water (Prevention and Control of Pollution) Cess Act, 1977 (Act No. 36 of 1977), for general information of the public.

By order,
B. C. NEGI,
Secretary.

MINISTRY OF WORKS AND HOUSING NOTIFICATION

New Delhi, the 24th July, 1978

G.S.R. 378 (E).—In exercise of the powers conferred by section 17 of the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(a) These rules may be called the Water (Prevention and Control of Pollution) Cess Rules, 1978.

(b) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires:—

(a) “Act” means the Water (Prevention and Control of Pollution) Cess Act, 1977 (36 of 1977);

(b) “assessing authority” means—

(i) in relation to a Union Territory, the member-secretary of the Central Board; and
(ii) in relation to a State, the member-Secretary of the State Board;

(c) “consumer” means a person or local authority by whom the cess under sub-section (1) of section 3 is payable under sub-section (2) of that section;

(d) “form” means a form annexed to these rules;

(e) “section” means a section of the Act;

(f) “State Government”, in relation to a Union Territory, means the Administrator thereof appointed under article 239 of the Constitution.

3. Standards of meters and places where they are to be affixed.—(1) For the purposes of measuring and recording the quantity of water consumed, every consumer shall affix water meters, venturi meters or orifice meters with integrators and recorders in conformity with the standards laid down by the Indian standards Institution and where no Standards have been laid down by the Institution in conformity with such standards as may be specified by the Boards.

(2) Wherever the meters referred to in sub-section (1) are not available, the consumer shall instal Veenotches or rectangular notches, with indicators and recorders or pressure gauges and pumping installations, after obtaining the permission of the assessing authority.

(3) Every consumer shall provide a separate meter for assessing the quantity of water used for each of the four purposes mentioned in column (1) of Schedule II to the Act.

(4) The meters shall be affixed at the entrance of the water supply connections within the premises of the consumer or at any other place to be approved by the assessing authority, so that such meters are easily accessible for inspection and maintenance and for other purposes of the Act:

Provided that the place where the meter is affixed shall, in no case, be at a point before which water has been tapped by the consumer for utilisation for any purpose whatsoever.

4. Furnishing of returns.—Every consumer shall furnish on or before the 5th of every calendar month, to the assessing authority, a return in Form I showing the quantity of water consumed in the previous month.

5. Manner of payment of the cess to the Central Government and the time within which it shall be paid.—(1) Every State Government shall remit to the Central Government, the amount of cess collected from the consumer before the 10th day of the calendar month succeeding the month in which it is collected from the consumer.

(2) The amount of cess referred to in sub-rule (1) shall be remitted to the Central Government in the form of a bank draft drawn in favour of the pay and Accounts Officer, Ministry of Works and Housing, New Delhi in whose books of accounts, the receipts would be adjusted finally.

(3) On receiving the bank draft, the Ministry of Works and Housing shall remit the same through a Challan into the Reserve Bank of India, New Delhi, for the purpose of crediting under relevant Major Head.

6. Rebate.—Where a consumer installs any plant for the treatment of sewage or trade effluent, such consumer shall be entitled to the rebate under section 7 on and from the expiry of fifteen days from the date on which such plant is successfully commissioned and so long as it functions successfully.

7. Powers to be exercised by the Office or the Authority of the State Government under section 9.—The officer or authority of the State Government specially empowered under section 9 shall have, in addition to the powers referred to in clauses (a) and (b) of that section, the power to:—

- (i) inspect the manufacturing process or plant of the consumer;
- (ii) inspect the water supply systems and installations in the plant of the consumer;
- (iii) inspect waste treatment system and installations in the plant of the consumer;
- (iv) inspect the drainage system and installations, including storm water disposal in the plant of the consumer;
- (v) call for and inspect records relating to the use and consumption of materials and water, and those relating to production, in the plant of the consumer;
- (vi) call for and inspect the records relating to power consumption in the plant of the consumer; and
- (vii) call for any other information or records relating to the supply, consumption and treatment of water in the plant of the consumer.

8. Authority to impose penalty under section 11.—The authority to impose penalty under section 11 shall be the assessing authority.

9. Appeal.—(1) Any consumer aggrieved by an order of assessment made under section 6 or by an order imposing penalty made under section 11 may appeal in Form II annexed hereto, to a Committee (hereinafter referred to as the appellate committee) consisting of—

- (a) where the assessing authority is the member-secretary of the Central Board, the Chairman of that Board, who shall be the Chairman of the Committee, and two members of that Board, to be nominated by the Chairman thereof;
- (b) where the assessing authority is the member-secretary of the State Board, the Chairman of that Board, who shall be the Chairman of the Committee, and two members of that Board, to be nominated by the Chairman thereof.

(2) Such appeal shall state the facts of the case and the grounds relied upon by the appellant for preferring the appeal and shall be accompanied by a copy of the order of assessment made under section 6 or a copy of the order imposing penalty made under section 11, as the case may be.

(3) Such appeal shall be preferred within a period of thirty days from the date of communication of the order of assessment or the order imposing penalty on the appellant:

Provided that if the Chairman of the appellate Committee is satisfied that there was good and sufficient reason for the delay in preferring the appeal, he may, for reasons to be recorded in writing, allow the appeal to be preferred after the expiry of the aforesaid period of thirty days and before the expiry of forty-five days from the date of communication of the order of assessment, or the order imposing penalty, on the appellant.

(4) Every appeal shall be accompanied by a fee of rupees fifty.

[No. Q. 17013/1/78-EPC]

MIR. NASRULLAH,
Joint Secretary.

FORM I
(See rule 4)

RETURN REGARDING WATER CONSUMED DURING THE MONTH OF

Name and address of the consumer	Purpose for which water consumed	Reading at the begin- ning of the first day of the calendar month under report	Reading at the end of the last day of calendar month under report	Quantity of water con- sumed in kilo litres	If the meter was out of order the monthly average consumption of water for the previous 3 months of the working period	Quantity of water quali- fying for rebate according to the assessee	Remarks (*)
1	2	3	4	5	6	7	8
1. Industrial cool- ing spraying in mine pits or boiler feed.	(i) from Municipal water supply mains (ii) from well/tube well (iii) from Canal (iv) from river (v) from any other source.						
2. Domestic pur- pose.	(i) from Municipal water supply mains. (ii) from well/tubewell (iii) from Canal (iv) from river (v) from any other source.						
3. Processing whereby water gets polluted and the pollu- tants are easily biodegradable.	(i) from Municipal water supply mains. (ii) from well/tubewell (iii) from Canal (iv) from river (v) from any other source.						

processing (i) from Municipal
whereby water supply mains.
gets polluted (ii) from well/tubewell
and the pollutants (iii) from Canal
are not (iv) from river
easily biodegradable and are (v) from any other
toxic. source.

(*) for claiming rebate under col. 7 the assessee shall indicate in this column the analytical and other reports annexed to this return in support of this claim.

Signature of the consumer.
Name
Address

ANNEXURE TO FORM I

REPORT OF ANALYSIS OF TREATED EFFLUENT SHOWING PERFORMANCE OF THE TREATMENT PLANT FOR THE MONTH OF.....

Sample collected on.....
Sample tested on.....
By the laboratories:.....

Dates on which

S. No.	Polluting parameters as mentioned in the conditions imposed under consent granted under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974	Maximum permissible limits or ranges allowed as per consent condition	Concentration or range of parameters as per report	There was break-down or failure of the plant	On which under performance was noticed
1	2	3	4	5	6

Edcl. Original Analysis report of Laboratory.

Signature.....
Date.....
Name.....
Address.....

FORM II
(See rule 9)

(FORM OF MEMORANDUM OF APPEAL)

Before..... (**).....

**here mention the name and designation of the authority.

Memorandum of appeal under section 13 of the Water (Prevention and Control of Pollution) Cess Act, 1977.

Appeal No..... of 19

.....
.....
.....

here furnish complete postal address)

...Appellant.

Vs.

.....
.....
.....

here mention the name and designation
of assessing authority).

...Respondent.

The appellant named above, begs to prefer this memorandum of appeal against the order dated..... passed by..... on the following acts and grounds:

FACTS

(here briefly mention the facts of the case)

GROUND S

(here mention the grounds on which the appeal is made)

- 1.
- 2.
- 3.
- 4.

here mention the name and designation of the authority

PRAYER

In the light of what is stated above, the appellant respectfully prays that he/she/it may be exempted from the payment of Cess.

He/she/is may be allowed a rebate of 70 per cent as provided for in the Act and the amount of Cess reduced to Rs.....
the amount of Cess has not been correctly assessed and that it may be reduced to Rs.....
the penalty imposed on him/her/it has been wrongfully imposed and should be set aside.

the penalty imposed on him/her/it is excessive and should be suitably reduced on the basis of the facts as stated.

2. The amount of Rs.....(Rupees.....) as fee for this appeal has been paid to.....vide Receipt No..... dated.....

Place:

Signature of the Appellant.
Name
Address

CORRIGENDA

New Delhi, the 4th August, 1978

G.S.R. 394 (E).—In the notification of the Government of India in the Ministry of Work and Housing G.S.R. 378 (E), dated the 24th July, 1978, published at pages 653—655 in Part II, Section 3, sub-section (i) of the Gazette of India Extraordinary, dated the 24th July, 1978—

1. at page 653—

- (a) in clause (b)(i) of rule 2 for “in relation to Union Territory” read “in relation to a Union Territory”;
- (b) in sub-rule (2) of rule 3 for “assessing” read “assessing”;
- (c) in proviso to sub-rule (2) of rule 3, for “where is” read “where the meter is”; and
- (d) in sub-rule (1) of rule 5, for “calender” read “calendar”.

2. at page 654—

- (a) in sub-rule (2) of rule 1, for “ground” read “grounds”;
- (b) in sub-rule (3) of rule 9, for “communications” read “communication”;
- (c) in sub-rule (4) of rule 9, for “accompanied” read “accompanying”;
- (d) in Form I in heading to column 2, for “of” read “for”.

3. at page 655—

- (a) in Annexure to Form I in heading to column 1, for “of” read “or”;
- (b) in Form II, under the heading Grounds, the brackets and words “(**) here mention the name and designation of the authority” shall be omitted.

[Q—17013/1/78—EPCI]

MIR. NASRULLAH,
Joint Secretary.

